

Exhibit I



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/593,258	11/02/2006	Michael D. Doyle	006-1-7	3648

30080 7590 07/21/2010
LAW OFFICE OF CHARLES E. KRUEGER
P.O. BOX 5607
WALNUT CREEK, CA 94596-1607

EXAMINER

DONAGHUE, LARRY D

ART UNIT	PAPER NUMBER
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2454

MAIL DATE	DELIVERY MODE
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07/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 2454

1. Claims 40-67 are presented for examination.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Art Unit: 2454

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 111-118 are rejected on the ground of nonstatutory double patenting over claims 1-14 (particularly claim 10) and 1-47 (particularly claim 36) of U. S. Patent No. 5,838,906 and 7,599,985 respectfully since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

Claim(s) of patent 5,838,906 and 7,599,985 contain(s) every element of claim(s) 111-118 of the instant application and as such anticipate(s) claim(s) of the instant application.

“A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). “ ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claims 95-110 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 and 1-47 of U. S. Patent No. 5,838,906 and 7,599,985 respectfully in view of Joseph et al. (5,819,034).

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: The Claim(s) of the patents contain every element of claim(s) of the instant application except wherein at least a portion of the distributed application is for execution on two or more remote computers coupled to the distributed network environment.

Joseph taught the use of remote computer to perform the execution of requested computing in a client server environment (col. 1, lines 44-56).

Clearly the this would increase thru put and decrease the cost of the client computer to perform advanced functions.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry Donaghue whose telephone number is (571)272-3962. The examiner can normally be reached on Monday-Friday 9:00 - 6:00.

Art Unit: 2454

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry Donaghue/
Primary Examiner, Art Unit 2454

Notice of References Cited	Application/Control No. 11/593,258	Applicant(s)/Patent Under Reexamination DOYLE ET AL.	
	Examiner Larry Donaghue	Art Unit 2454	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-5,819,034	10-1998	Joseph et al.	709/201
*	B US-5,838,906	11-1998	Doyle et al.	715/205
*	C US-7,599,985	10-2009	Doyle et al.	709/202
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			


FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U				
	V				
	W				
	X				

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11593258	Applicant(s)/Patent Under Reexamination DOYLE ET AL.
	Examiner Larry Donaghue	Art Unit 2454

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	07/17/2010							
	95	✓							
	96	✓							
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	98	✓							
	99	✓							
	100	✓							
	101	✓							
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<i>Index of Claims</i> 	Application/Control No. 11593258	Applicant(s)/Patent Under Reexamination DOYLE ET AL.
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✓	Rejected
=	Allowed

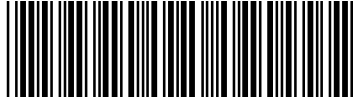
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O	Objected

Claims renumbered in the same order as presented by applicant
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CLAIM		DATE							
Final	Original	07/17/2010							
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<i>Index of Claims</i> 	Application/Control No. 11593258	Applicant(s)/Patent Under Reexamination DOYLE ET AL.
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Claims renumbered in the same order as presented by applicant
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CLAIM		DATE							
Final	Original	07/17/2010							
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CLAIM		DATE							
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Search Notes 	Application/Control No. 11593258	Applicant(s)/Patent Under Reexamination DOYLE ET AL.
	Examiner Larry Donaghue	Art Unit 2454

SEARCHED			
Class	Subclass	Date	Examiner
709	202,218,219	07/12/2010	LD
345	419,427,619,638,649,653-656	07/12/2010	LD
715	205,738,760,777,804	07/12/2010	LD
718	106	07/12/2010	LD
719	310,315	07/12/2010	LD
707	E17.119	07/12/2010	LD

SEARCH NOTES		
Search Notes	Date	Examiner
Revieww the re exam of the parent case findings of the parent case	07/12/2010	LD

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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